

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

KEVIN LEE MAYBERRY,

No. C 12-2609 SI (pr)

Petitioner,

**ORDER DENYING REQUEST FOR  
COUNSEL**

v.


GARY SWARTHOUT, Warden,

Respondent.

Petitioner requests that counsel be appointed to represent him in this action. A district court may appoint counsel to represent a habeas petitioner whenever "the court determines that the interests of justice so require" and such person is financially unable to obtain representation. 18 U.S.C. § 3006A(a)(2)(B). The decision to appoint counsel is within the discretion of the district court. *See Chaney v. Lewis*, 801 F.2d 1191, 1196 (9th Cir. 1986). Appointment is mandatory only when the circumstances of a particular case indicate that appointed counsel is necessary to prevent due process violations. *See id.* The interests of justice do not require appointment of counsel in this action. The request for appointment of counsel is DENIED. (Docket # 7.)

IT IS SO ORDERED.

DATED: November 1, 2012

  
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SUSAN ILLSTON  
United States District Judge